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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Takashi ASAKURA

Examiner: Soroush, Ali

Serial No.: 10/538, 073

Group Art Unit: 1616

Filed: 09 June 2005

Title: TITANIUM OXIDE PARTICLES HAVING USEFUL PROPERTIES AND METHOD FOR PRODUCTION THEREOF

RESPONSE TO RESTRICTION REQUIREMENT

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Restriction Requirement dated 7 February 2007, sets forth a restriction of claims 1-14 into Groups I-V. In the preliminary amendment filed 9 June 2005, claims 1-14 were cancelled and new claims 15-28 were added. Thus, Applicants elect, with traverse, claims 15-19 drawn to a particulate titanium dioxide. Claims 15-19 most closely correspond to the subject matter of original claims 1-5 (Group I).

It is respectfully submitted that the subject matter of the claims does have unity of invention under PCT Rule 13. Non-elected Group II is drawn to a process of making particulate titanium dioxide. An international or a national stage application containing claims to different categories of invention will be considered to have unity of invention if the claims are drawn to a product and a process specifically adapted for the manufacture of said product. See 37 CFR § 1.475(b)(1).

See also MPEP 1850 III. §A , which states:

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"The method for determining unity of invention under PCT Rule 13 shall be construed as permitting, in particular, the inclusion of any one of the following combinations of claims of different categories in the same international application:

(A) In addition to an independent claim for a given product, an independent claim for a process specially adapted for the manufacture of the said product, and an independent claim for a use of the said product."

In the present invention, the process of Claim 20, is specially adapted for the manufacture of the product of Claim 15. Thus, withdrawal of the requirement for restriction is therefore respectfully requested.

Also, Applicants traverse the election requirement on the basis that the Examiner has not provided any evidence that an undue searching burden would be necessary to search the full scope of the claims.

No fee is believed to be due with this response, however, the Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

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Date: 7 March 2007

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